

REMARKS

I. Status of the Application

At the time of the Action, Claims 1, 4-11 and 13-14 were pending. All pending claims stand rejected under either Section 102(b) or Section 103(a). These rejections are addressed below.

II. The Rejections of Independent Claim 1

The Action rejects independent Claim 1 under Section 102(b) as anticipated by U.S. Patent No. 3,952,455 to McAlarney (McAlarney). The Action further rejects Claim 1 under Section 103(a) as obvious over any of U.S. Patent No. 2,161,648 to Widman (Widman), U.S. Patent No. 2,185,161 to Tinnerman (Tinnerman), or U.S. Patent No. 2,858,583 to McEvoy (McEvoy) in view of U.S. Patent No. 1,998,791 to Schanz (Schanz).

A. McAlarney

Applicant respectfully directs the Examiner's attention to amended Claim 1, which now recites an article of furniture, including:

first and second confronting furniture components, wherein one of the first and second furniture components comprises a frame and the other of the first and second furniture components comprises a movable member connected with the frame and movable from an open position to a closed position; and a device for protecting the first and second confronting furniture components . . .

a first member attached to one end portion of the base member and a second member attached to the first member, the base member, first member and second member defining a cavity within which one of the first or second furniture components is captured to affix the device thereto . . .

The structures **21** and **23** of McAlarney cited in the Action as a "clip" do not capture a furniture component (such as the frame or movable member) to affix the device thereto (*see* **Figure 1** of McAlarney). The refrigerator door gasket **4** of McAlarney is held in place by a sheet metal gasket-holding strip **16**, which extends entirely around the door opening to hold the gasket **4** in place. (*see* **Figure 1** and Col. 3, lines 25-35). The strip **16** is not a furniture component (*e.g.*, a frame or a movable member connected with the frame and movable from an open position to a closed position as recited in Claim 1). Therefore, McAlarney cannot anticipate Claim 1.

In view of the above amendments and remarks, Applicant submits that the rejections of Claim 1 and claims dependent therefrom under Section 102(b) based on McAlarney cannot stand and should be withdrawn.

B. Widman, Tinnerman, McEvoy, and Schanz

With respect to the § 103 rejections, the Action concedes that neither Widman, Tinnerman, or McEvoy disclose a clip having a first member connected to the base member and a second member connected to the first member. The Action cites Schanz as disclosing this feature; however, the projection **15** (which the Action identifies as the clip first member) is not connected to a base member as recited in Claim 1, and it is unclear how the T-shaped projections **15**, **16**, **16'** could be incorporated into the devices of Widman, Tinnerman or McEvoy. Therefore, at least one recitation is not taught or suggested by the cited references as required by § 103.

Applicant submits that the rejections of Claim 1 and claims dependent therefrom under Section 103(a) based on any of Widman, Tinnerman or McEvoy in view of Schanz cannot stand and should be withdrawn.

III. Rejections of Claim 5

The Action rejects Claim 5 under Section 102(b) based on McEvoy. The Action states that McEvoy illustrates that the planar portion of the base member across the void has a

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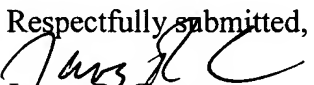
thickness less than the thickness of the base member in **Figure 2b**. The sealing strip shown in **Figure 2b** includes a convex portion; however, the portion opposite the convex portion is not planar because it is not substantially constant in thickness and varies in thickness across its length. As such, this structure does not meet the recitations of Claim 5. Accordingly, Applicant submits that McEvoy cannot anticipate Claim 5 under Section 102(b) and requests that this rejection and rejections of claims dependent on Claim 5 be withdrawn.

IV. Rejections of Claim 13

Claim 13 stands rejected under Section 102(b) based on McAlarney, and under Section 103(a) based on (i) McEvoy and Schanz and (ii) Tinnerman, Schnaz and Wilson. Claim 13 includes the same recitations regarding the article of furniture and the structure of the clip as does Claim 1. As such, Claim 13 is patentable over the cited references. Consequently, Applicant requests that the rejections of Claim 13 be withdrawn.

VI. Conclusion

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicants respectfully submit that the application is in condition for allowance, and requests that it be passed to allowance and issue.

Respectfully submitted,

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